

REMARKS

This application has been reviewed in light of the Office Action mailed June 21, 2006.

Reconsideration of this application in view of the below remarks is respectfully requested.

Claims 1 – 24 are pending in the application with Claims 7 – 8 and 10 – 13 having been previously withdrawn from consideration. Of currently elected Claims 1 – 6, 9 and 14 – 24, Claim 1, 16, 21 and 24 are in independent form. By the present amendment, Claims 1, 4, 6, 16 and 21 are amended, Claims 2, 3, 17, 18, 22 and 24 are canceled, and Claims 25 – 34 are newly added. No new subject matter is introduced into the disclosure by way of the present amendment.

I. Rejection of Claims 1 – 2, 6, 16 – 17, 19 – 21 and 23 – 24 Under 35 U.S.C. § 103(a)

Claims 1 – 2, 6, 16 – 17, 19 – 21 and 23 – 24 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over U.S. Patent No. 5,270,810 issued to Nishimura in view of U.S. Patent No. 4,755,873 Kobayashi. In response, Claims 2, 17 and 24 are canceled and Claims 1, 6, 16 and 21 are amended.

While Nishimura and Kobayashi are both directed only to endoscope devices, Kaku is exclusively directed to digital cameras thus one skilled in the art of endoscopic devices would lack motivation to combine all three references as indicated in the present Office Action. However, even if such a motivation to combine the teachings of Nishimura, Kobayashi and Kaku could be formulated, the cited prior art references, taken alone or in any proper combination would still fail to disclose or suggest the present invention as recited in Applicants' claims.

Nishimura discloses an electronic endoscope, which provides a means for freezing a frame of a live video stream by user actuation of a freeze control button. However, Nishimura does not disclose or suggest an endoscope device having a recording processing circuit for if an image to be outputted to the display device by the image signal switching circuit is the still

image, recording the still image in a still image recording mode onto a predetermined recording medium, and if an image to be outputted to the display device by the image signal switching circuit is the motion image, recording the motion image in a motion image recording mode onto the predetermined recording medium; and a recording control circuit for, when an operation section (or remote controller) instructs image recording, if an image to be outputted to the display device is switched to the still image by the image signal switching circuit, setting the still image recording mode to the recording processing circuit, and if an image to be outputted to the display device is switched to the motion image by the image signal switching circuit, setting the motion image recording mode to the recording processing circuit.

Kobayashi discloses an endoscope system that allows a user to display and record still images as well as display video. In Kobayashi, a user can select one of a number of functions (i.e., freeze-picture observation, still-photographing, video recording, and optical disk) by actuating one of a number of switches (see: col. 5, lines 5 – 19 and 30 – 40). However, Kobayashi does not disclose judging whether an image selected by the image selecting circuit and displayed on the display device is a still image or a motion image; and a recording mode setting step for, if the displayed image judging step judges the displayed image to be the still image, setting a still image recording mode, and if the displayed image judging step judges the displayed image to be the motion image, setting a motion image recording mode.

Consequently, Nishimura and Kobayashi, taken alone or in any proper combination, fail to disclose or suggest Applicants' Claims 1, 6, 16, 19 – 21 and 23. Therefore, for at least the reasons provided above Claims 1, 6, 16, 19 – 21 and 23 are believed to be patently distinct and allowable over the cited prior art references. Accordingly, Applicants respectfully request

withdrawal of the rejection to Claims 1, 6, 16, 19 – 21 and 23 over 35 U.S.C. § 103(a) as allegedly obvious over Nishimura in view of Kobayashi.

II. Rejection of Claims 3, 5, 18 and 22 Under 35 U.S.C. § 103(a)

Claims 3, 5, 18 and 22 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over Nishimura in view of Kobayashi and further in view of U.S. Patent No. 6,968,119 issued to Kaku.

In response, Claims 3, 18 and 22 have been canceled and the limitations recited therein have been included in amended Claims 1, 16 and 21, respectively; Claim 5 depends from independent Claim 1, and thus includes all the limitations recited in that independent claim. Because amended Claims 1 and 16 recite the limitations of Claims 3, 18 and 22, the present rejection will be addressed with respect to Claims 1, 16 and 22 as well.

Kaku discloses a digital camera having both still image and video (motion image) recording functionality. In Kaku, a user selects between multiple recording modes (still image, video, and snapshot) by actuating a switch. Based on the switch position one of multiple recording processes is used to record the selected image type.

However, Kaku does not display the still image on the display device prior to recording the still image, while Applicants' claims recite if an image outputted to the display device by the image signal switching circuit is the still image, recording the still image in a still image recording mode. Thus, it is evident that the still image is being displayed on the display device. Kaku, on the other hand, displays only a live video stream prior to recording a still image. The still image recorded by Kaku is in fact a capture of a single frame within the live video stream and during display of the live video stream.

Consequently, Nishimura, Kobayashi and Kaku, taken alone or in any proper combination, fail to disclose or suggest all the limitations recited in Claims 1, 16 and 21. Therefore, for at least the reasons provided above, Claims 1, 5, 16 and 21 are believed to be patently distinct and allowable over the cited prior art references. Accordingly, Applicants respectfully request withdrawal of the rejection to Claims 1, 5, 16 and 21 over 35 U.S.C. § 103(a) over Nishimura in view of Kobayashi and further in view of Kaku.

III. Rejection of Claims 4, 9, 14 and 15 Under 35 U.S.C. § 103(a)

Claims 4, 9, 14, 15 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over Nishimura in view of Kobayashi and/or further in view of U.S. Patent No. 6,059,718 issued to Taniguchi et al., U.S. Patent No. 5,825,982 issued to Wright et al. U.S. Patent No. 5,260,795 issued to Sakai et al. or U.S. Patent No. 6,243,531 issued to Takeuchi et al.

However, as these claims depend from independent Claim 1, Claims 4, 9, 14 and 15 include all the limitations of that independent claim.

Taniguchi et al., Wright et al., Sakai et al., and Takeuchi et al. fail to overcome the deficiencies cited above with regards to Nishimura and Kobayashi. Consequently, Nishimura, Kobayashi, Taniguchi, Wright, Sakai, and Takeuchi, taken alone or in any proper combination, fail to disclose or suggest Applicants' invention as recited in independent Claim 1. Therefore, for at least the reasons provided above, Claims 4, 9, 14, 15 are believed to be patently distinct and allowable over the cited prior art references. Accordingly, Applicants respectfully request withdrawal of the rejection to Claims 4, 9, 14, 15 over 35 U.S.C. § 103(a) over Nishimura in view of Kobayashi and further in view of Taniguchi et al., Wright et al., Sakai et al., or Takeuchi et al.

IV. Newly Added Claims 25 - 34

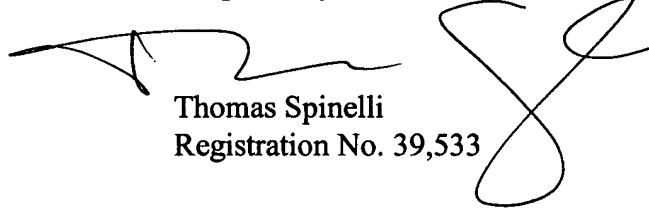
New Claims 25 – 34 recite similar limitations as Claims 1 – 24 as originally filed and therefore, no new subject matter is introduced into the disclosure by way of the present amendment. Additionally Applicants submit that Claims 25 – 34 are allowable over the cited prior art references for at least the reasons provided above.

CONCLUSIONS

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1, 4-6, 9, 14-16, 19-21 and 23 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicant's undersigned attorney at the number indicated below.

Respectfully submitted,



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